

COMPLIANCE REVIEW

O. H. CLOSE YOUTH CORRECTIONAL FACILITY



Prepared by:

California Department of Corrections and Rehabilitation's
Office of Audits and Compliance

June 2009

WARDS WITH DISABILITIES PROGRAM

Temporary Departmental Order 06-71 and Wards with Disabilities Program Remedial Plan, Section VI.

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EXECUTIVE SUMMARY

The Office of Audits and Compliance, Compliance/Peer Review Branch (CPRB) reviewed the Division of Juvenile Justice (DJJ), Temporary Departmental Order (TDO) 06-71 and the Wards with Disabilities Program (WDP) Remedial Plan, Section VI to determine whether O. H. Close Youth Correctional Facility (OHCYCF) is in compliance with the policy that states facilities shall continuously identify youths with disabilities through self referrals, staff referrals, special case conferences, and facility Americans with Disabilities Act (ADA) screenings and assessments.

The review period for the WDP was July 2008 through June 2009. The field work was conducted on June 10 through June 11, 2009. OHCYCF identified 60 youth offenders with disabilities. The May 2009, WDP tracking form indicated that there were two staff referrals and two self referrals. The CPRB determined that there were two WDP special case conferences conducted in February and March of 2009. Consequently, the CPRB selected a sample size of six youths. The sample size was determined as a result of the low number of staff referrals, self referrals, and WDP special case conferences.

The CPRB review team conclude that OHCYCF is in partial compliance (PC) with the youths' screening process and WDP special case conferences.

The findings are as follows:

- Educational ADA screenings are not being conducted within the required time frames of ten working days.
- The WDP special case conferences do not have the required documentation on the Individualized Change Plan (ICP).

BACKGROUND

On November 19, 2004, a Consent Decree was entered upon in the case of *Farrell v. Allen*. The Consent Decree required the defendant, now the DJJ, to file Remedial Plans in all areas of deficiency identified by the Court appointed experts by January 31, 2005. In January 2005, in response to the Consent Decree, DJJ made the decision to reform California's juvenile system into a rehabilitative model based on a therapeutic environment.

The DJJ has established a Farrell Task Force Team to develop, implement, and measure compliance within the scope of the six Remedial Plans. As part of the Farrell Task Force, the CPRB is charged with assessing compliance and if applicable, recommending corrective actions related to the findings.

The CPRB will be reviewing specific action items that make up the six Remedial Plans. The action items that have been selected for review are based on risk to the Department. These issues include, but are not limited to, 18 items with a time sensitive date and key indicators. The review will be evaluated using a compliance rating system. Each action item will be evaluated by whether it is in substantial compliance (SC) 85 percent and above, PC 84 percent to 50 percent, and noncompliance (NC) 49 percent and below. Items that result in a yes or no compliance level will be rated as SC or NC. Items that cannot be rated will be categorized as not ratable (NR). Due to the diversity and occasional abstract content of the action items, a numeric rating system cannot always be utilized. As a result, a narrative rating system will be used to evaluate the level of compliance.

The specific objectives of the review were to verify whether:

- Determination of a disability is made;
- The identification of youths within the youth correctional facilities is continuous;
- Screenings and assessments are complete; and
- The identification of the youth is documented on self referrals, staff-referrals, and special case conferences.

The CPRB determined whether the objectives were met by reviewing:

- WDP Remedial Plan Auditor's Report; dated March 30, 2009;
- WDP Remedial Plan, Section VI pages 19-25;
- Procedures for the WDP;
- TDO 06-71, pages 32-41;

- Tracking form from the WDP Coordinator;
- ICP and case conference notes;
- Information obtained from interviewing the Parole Agents, Case Managers or Casework Specialists;
- Information obtained from interviewing the WDP Coordinator or assistant;
- Information obtained from the WDP and the Special Master;
- The ADA Amendment Act of 2008;
- Student Consultation Team (SCT) Training documentation;
- 504 Plan training documentation;
- Dr. Robert Morris' electronic mail correspondence;
- ADA screenings and assessments;
- Disability Referral/Evaluation Forms (DREF); and
- Ward Information Network System.

CPRB Remedial Site Compliance Report

Item	Review Method & Action Items	SC	PC	NC	NR	Findings	Recommendation(s)
41	<p>Action Item:</p> <p>Efforts to identify youths with disabilities within youth correctional facilities shall be continuous, and shall include self-referrals, staff-referrals, facility ADA screenings and assessments, and special case conferences.</p> <p>Methodology:</p> <p>Reviewed the WDP Remedial Plan Auditor's Report for OHCYCF for the 2008-09 Fiscal Year.</p> <p>Reviewed the WDP Remedial Plan, Section VI.</p> <p>Reviewed TDO 06-71.</p> <p>Interviewed the WDP Coordinator.</p> <p>Reviewed the case conference notes and ICP.</p> <p>Interviewed education and health care staff members.</p> <p>Interviewed the WDP Court appointed experts.</p>		X			<p>Partial Compliance:</p> <p>Finding 1:</p> <p>Education ADA screenings are not being conducted within the required time frames. SCT meetings are not occurring within ten working days.</p> <p>Cause(s):</p> <p>The lack of knowledge or training regarding the time frames for screenings and assessments.</p> <p>The administrator did not delegate administrative responsibility to an alternate to hold SCT meetings in case of his absence.</p>	<p>1) The administrator will designate two people to conduct the SCT meetings when the administrator is not available to ensure the requirement of ten working days is met.</p> <p>2) Provide refresher training to education staff regarding the time frames for screenings and assessments.</p> <p>3) Central Office's WDP section lead shall work collaboratively with the education section lead to modify the WDP Remedial Plan, Section IV Facility WDP assessment, to address setting appropriate educational timeframes to assess the youth's disability.</p>

CPRB Remedial Site Compliance Report

Item	Review Method & Action Items	SC	PC	NC	NR	Findings	Recommendation(s)
	<p>Reviewed the DERFs.</p> <p>Reviewed the WDP procedures.</p> <p>Reviewed the ADA Screenings and Assessments.</p> <p>Reviewed the WDP Coordinator tracking forms.</p> <p>Reviewed the ADA Amendment Act of 2008.</p> <p>Criteria:</p> <p>WDP Remedial Plan, pages 19-25.</p> <p>TDO 06-71, pages 32-41.</p>						
41	<p>Action Item:</p> <p>Efforts to identify youths with disabilities within youth correctional facilities shall be continuous, and shall include self-referrals, staff-referrals, facility ADA screenings, and assessments, and special case conferences.</p> <p>Methodology:</p> <p>Reviewed the WDP Remedial Plan Auditor's Report for OHCYCF for the 2008-09 Fiscal Year.</p>		X			<p>Finding 2:</p> <p>The WDP special case conference does not have the required documentation on the ICP.</p> <p>Cause(s):</p> <p>There are no clear procedures for WDP special case conferences.</p>	<p>1) Central Office, with a representative from facilities, will develop statewide procedures for all facilities regarding WDP special case conferences.</p> <p>2) OHCYCF will provide training to all institutional Parole Agents, Casework Specialists, Case Managers, and Youth Correctional Counselors regarding procedures for WDP special case conferences.</p>

CPRB Remedial Site Compliance Report

Item	Review Method & Action Items	SC	PC	NC	NR	Findings	Recommendation(s)
	<p>Reviewed the WDP Remedial Plan, Section VI.</p> <p>Reviewed TDO 06-71.</p> <p>Interviewed the WDP Coordinator.</p> <p>Reviewed the case conference notes and ICP.</p> <p>Interviewed the education, and health care staff members.</p> <p>Interviewed the WDP Court appointed experts.</p> <p>Reviewed the DERFs.</p> <p>Reviewed the WDP procedures.</p> <p>Reviewed the ADA Screenings and Assessments.</p> <p>Reviewed the WDP Coordinator tracking forms.</p> <p>Reviewed The ADA Amendment Act of 2008.</p> <p>Criteria:</p> <p>WDP Remedial Plan, pages 19-25.</p> <p>TDO 06-71, pages 32-41.</p>					<p>Cause Continued:</p> <p>OH CYCF was without a full time WDP Coordinator to track WDP special case conferences to ensure proper documentation on the WDP special case conference ICP.</p>	<p>3) The OH CYCF WDP Coordinator will review the WDP special case conference ICP to ensure the document is following the WDP Remedial Plan and TDO 06-71. When the ICP is not within the requirements, the WDP Coordinator will notify the supervisor of the institutional Parole Agents, Casework Specialists, Case Managers, and Youth Correctional Counselors.</p>

Review of the Wards with Disabilities Program

O. H. CLOSE YOUTH CORRECTIONAL FACILITY

GLOSSARY

ADA	Americans with Disabilities
CPRB	Compliance/Peer Review Branch
DJJ	Division of Juvenile Justice
DREF	Disability Referral/Evaluation Form
ICP	Individualized Change Plan
NC	Noncompliance
NR	Not Ratable
OH CYCF	O. H. Close Youth Correctional Facility
PC	Partial Compliance
SC	Substantial Compliance
SCT	Student Consultation Team
TDO	Temporary Departmental Order
WDP	Ward with Disabilities Program